

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MAURICIO A. LEON, M.D.,

Plaintiff,

v.

IDX SYSTEMS CORPORATION, a
Vermont Corporation,

Defendant.

No. CV03-1158P

DECLARATION OF ANGELO J.
CALFO AND FEDERAL RULE
37(a)(2)(A) CERTIFICATION RE: IDX'S
MOTION TO COMPEL

Angelo J. Calfo declares and states as follows:

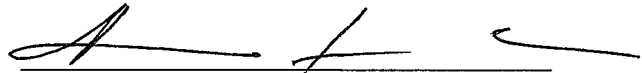
1. I am a member of Yarmuth Wilsdon Calfo PLLC and am one of the attorneys representing IDX Systems Corporation in this matter. I make this declaration based upon personal knowledge.

2. On March 8, 2004, I received an email communication from Ken Kieffer, counsel for plaintiff Mauricio Leon, to which he attached a privilege log that he described as "covering communications between Dr. Leon, his counsel and the DOJ."

3. On March 17, 2004, I met with Mr. Kieffer to confer, as required by Federal Rule of Civil Procedure 37, in an attempt to resolve our dispute concerning the plaintiff's refusal to produce documents he had previously exchanged with representatives of the federal government, including the United States Attorney's Office, and which he had listed

1 on his privilege log. Mr. Kieffer refused to produce any of the documents listed on
2 plaintiff's privilege log, and despite our efforts we were unable to resolve our discovery
3 dispute.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct. Signed at Seattle, Washington, this 27th day of May,
6 2004.

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9 ANGELO J. CALFO
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